



## **National Transportation Safety Board**

Washington, D.C. 20594

Office of Marine Safety

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**THE FOLLOWING DOCUMENT IS A SUMMARY OF THE UNITED STATES  
DEPARTMENT OF JUSTICE DEPOSITION OF MR. MAO CAI SUN, TAKEN FROM  
JANUARY 5, 2009, TO JANUARY 29, 2009, PURSUANT TO RULE 15, FEDERAL  
RULES OF CRIMINAL PROCEDURE.**

**FOR PROCEDURAL AND EVIDENTIARY REASONS, TO INCLUDE PROTECTING  
THE INTEGRITY OF THE CRIMINAL PROSECUTION, THE JUDICIAL PROCESS,  
AND THE RIGHTS OF THE INDIVIDUAL DEFENDANTS AND MATERIAL  
WITNESSES, THE TRANSCRIPT OF THE DEPOSITION WILL NOT BE  
REPRODUCED IN THE NTSB's PUBLIC DOCKET UNTIL A DETERMINATION IS  
MADE BY THE OFFICE OF GENERAL COUNSEL THAT ALL CRIMINAL LITIGATION  
RELATED TO THIS MATTER HAS CONCLUDED, OR IN THE ALTERNATIVE, THE  
PARTIES TO THOSE PROCEEDINGS HAVE CONSENTED TO PUBLIC RELEASE.**

**Date:** January 5-29, 2009

**Place:** San Francisco, California

### **SUMMARY OF RELEVANT INFORMATION**

- Mr. Bornstein asked Captain Sun whether it was true that the "direct cause" of the accident was Captain Sun's failure to know the symbols on the electronic chart and his giving the pilot "bad information" regarding the ECS. The captain answered that he did not realize that the pilot was asking him information related to his navigation of the vessel.
- Mr. Bornstein told Captain Sun that "you lied to the pilot when you told him that those red triangles were bridge lights." Captain Sun said that he was not lying to the pilot.
- The captain said that, after the accident, he spoke to one of Fleet Management's representative and said "Sorry, it was tragic accident." He indicated that this was not an indication that he felt responsible for the accident.
- The captain did not agree that it was an insult to him or his crew if a pilot turns down a request for a drink or some food. He responded to Mr. Bornstein by indicating that it was not true that the pilot "frustrated him from the time he came on board" the Cosco Busan. The captain indicated that the quote regarding the pilot's "cold face" was not what he told the NTSB but may have been "an incorrect translation" by the interpreter.
- Captain Sun indicated that if he caused a vessel to be delayed, "it was cause a chain reaction" and he could "even be fired because of it."
- Captain Sun indicated that, even though the master is responsible for the ship's navigation and for the observance of laws, rules, and regulations, in pilotage waters navigation and speed commands are given by the pilot.
- Captain Sun indicated that had he delayed the sailing, that he would not have been given the support of Fleet Management, because, it was not written in the manuals that the master "should delay the departure of the vessel in foggy days." Further, based on his experience, a claim could be filed against the company for a delay in the vessel's schedule.
- Captain Sun indicated that until this accident he had never seen anyone use a single target for navigation.
- Captain Sun indicated that he knew that the crew was properly licensed and STCW compliant but he did not review their licenses before the accident.
- Captain Sun indicated that he saw the RACON on the D and E span and that "not only I could see, everybody in that console area could see that if you look at the radar."
- Captain Sun indicated that he had never seen a pilot who followed the passage plan that the ship's crew prepared.
- Captain Sun indicated that there was no berth to berth passage plan on the voyages from Busan to Long Beach, from Long Beach to Oakland, and on the accident voyage. Captain Sun indicated that this was because the second officer did not do this. He did not order the second officer not to complete a berth to berth passage plan. The second officer was experienced and did not need explicit instructions from the captain on how to prepare a passage plan.

- Captain Sun indicated that the port superintended did not say anything to him about the proposed departure on the morning of November 7. He added that his previous experience with company personnel is that they would make their own arrangements for getting off the vessel but the company port superintended wanted the captain to make those arrangements for him.
- Captain Sun indicated that he did not give a direct order to the chief officer to go on the bow and serve as a lookout because, as an experienced mariner, the chief officer understood his duties and knew that he had to do this.
- Captain Sun indicated that he did not take disciplinary action against the chief officer for having a meal at the time of the accident when he was supposed to be on the bow as a lookout, because he was not sure that disciplinary action that he took "will not only satisfy him [the chief officer] but also satisfy the companies and will not affect the whole performance."
- Captain Sun indicated that he did not pay attention to initial conversations with the VTS because they did not involve his vessel or the pilot. He indicated that when VTS told the pilot that the vessel's course was 235 he did not realize that this meant that the vessel was heading "straight towards the tower."
- Captain Sun indicated that he had never experienced a situation where the pilot asked him about the location of buoys or of the location of navigational hazards in the shipping channel.
- Captain Sun indicated that he has never seen a time where the crew would readjust the radar after a pilot had adjusted it to his or her liking.

#### **END OF SUMMARY**

(Summary prepared by Dr. Barry Strauch)



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Larry D. Bowling  
(Formatting and final preparation only)